G. R S IX—5]

Previous references

(1923 mc)

Preserve

File No 12 23

Serial Nos 55, 58, 62, 68, 69, 72 - 77

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 55, 58, 62, 68, 69, 72 - 77

Part B for 1923

SUBJECT

petition of Mr Puthanna, Contractor, praying that the words relating to the shops and verandah proposed to be attached to the rear of the Market Building may also be granted to him etc

77 To, The Municipal Commr No L 5 26/d 23-7 23

observes that it is not right to seek instructions of Govt. in matters of procedure and that he should on the other hand consult the Pub and the Legal advisers of Govt in such matters

hs 2-7

DRAFT

ECT

Section Rl
File No 12-13
Serial No 58

No of letter replied to 5564 No 28649 / Rec rel petn

OFFICIAL MEMORANDUM

ENERAL AND REVENUE SECRETARIAT,
(L. S. T.)
, the 191

The accompanying Petition Regis
tered No 5364/L dated 16.4.24
~~191~~ received
at the General and Revenue Secretariat
from Mr. S Pechamma, Contractor Bangalore
stating that he has taken up
Contract for the Kamraj Market
Extension work, that while this was in
progress another Contractor has been appointed
to carry out the work relating to the
Shops and verandahs proposed to be attached in the rear of the
s forwarded, ~~together with its enclosures~~,
o the Hon'ble Minister, City Municipal Council
through the President, City Municipal Council, Bangalore
r ~~favour of~~ for a report with re-
gards to why any of the suggestions
of the petitioner cannot be carried
out.

By Order,

Secretary to Government

Date of issue 28/4/24

Signed by

Petitioner be informed
to submit work and pursue
that, with a view to avoid un-
pleasantness and the loss to
him, the Contract of Construc
ting the said Shops may also be
given to him and that, if it
be given to some different
person, that the new
Contractor may
be taken up only after his
work is completed

Draft is sent for appl.
28.4.24

PTO

Memo report 5
28/4

ಆರ್ಜಿದಾರ ತಾಲ್ಲೂಕು

ಹೋಬಳಿ

ಗ್ರಾಮದಲ್ಲಿರುವ

ಸ.

ಇಂದಾರ್ಜಿ ಸಮಾಂ

ಸಂಖ್ಯೆ.....

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕೊಟ್ಟಿರುವ

ಹುರ್ಕುಮಿನ ಅರ್ಜಿಯನ್ನು ಇಲ್ಲಿಗೆ

ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

By Order

Secretary to Government.

List of enclosures

Copied by

Examined by

WD 08178—GPB—8 000—23-5-17

Serial No

A report may perhaps be called for on the representation and the Minister requested to inform first as to the stage of the application of the petitioners Counsel has carried out

L.L.L. Levy) 2 abfd. 21/4

8/4

22/4

3 Issue

21/4

58 L 8649 of 26/4/24 To enquire

GM/ forwards the petn for the a report

62 From Ml Comr No 200/Dy 26 5 1924

Subs the report called for

4 In his letter the Ml Comr raises four points

(i) Whether it is enough if one half of the total strength no of Councillors desires a motion or proposition for the modification or Cancellation of a resn passed within 3 months

(ii) Whether the Resolution or the motion or proposition

8/5/24

NOTE—Contn sheet.

Serial No.

Should be supported by one half of the whole number of Councillors Section 26 (12) appears to be clear on the point. It is the resolution that has to be supported by one half of the whole number of Councillors.

(iii) The Ch Engr should fix a date within which the existing Contractor should finish the work entrusted to him

The Ch Engr may be requested to do this

(iv) Whether the Mel Coun is competent to accept tenders when the Estimate for a work involving an expenditure exceeding Rs 500/ has been sanctioned by the Mel Council

6. Sec 186 (1) that the Mel Coun 7 days before entering into any Contract for the execution of any work or the supply any materials or food Costing over Rs 500/. shall invite tenders for such Contract ~~The~~ Under Sub sec (2) of the Section the Mel Coun may accept Subject

NOTE—Contn sheet

R. S III 2]

General and Revenue Secretariat

Ml File No 12 of 1923

4

Serial No

As the provisions of clause (d), of Sec 186 N. ~~No C~~ This clause is to the effect that no contract which will involve an expenditure exceeding Rs 5000/ shall be made by the ML Corn except with the appl or sanction of the ML Cl. So the ML Council has no power to accept tenders for Contract without the appl or sanction, which may be general or special, of the Municipal Council where expenditure exceeds Rs 5000/-

A.W.
30/5/1924.

5 The scope of Sec 126 (12) has been discussed and the opinion of the first Advocate has been obtained in the Case of the Cancellation of licence to the Sundaradevi of Chief Magistrate for the erection of a Compound wall. Next file is submitted herewith. Please take an extract of the first Advocate's opinion & file it.

MD
30/5

NOTE—Contn sheet

S. R. S. III-21

General and Revenue Secretariat

Mel File No. 12 of 1923

6805

Serial No

Sup. note 6382 d
Mel 146-23-7
Subs to 15-M on
31-5-24

6 In the Rule referred to by the Asst Secy (Mel 15-5-20 881, 883) the point was raised but the Govt Advocate did not give his opinion on it. The case was disposed of by reviewing the action of the Mel Cl with reference to the provisions of the Building Bye laws

HMS
31 5 1924

7 As the provision stand, the resolution has to be supported by not less than half the total number of Councillors. The total number of Councillors is 30 including the Municipal Chairman. If members were present only & have supported the resolution. If the words of the Section was "half the total number of Councillors present & ~~Voting~~" and if the Chairman's vote was excluded, then the resolution may be said to have been duly passed but there is no such qualification in the Section & as such it seems that for the validity of a resolution under this Section, it shou

NOTE—Contn sheet

R. S III-21

6

General and Revenue Secretariat

12 File No. 6240/12 of 1923

Serial No

be supported by not less than 15 Councillors

(8) As regards the date within which the Contract has to be finished, it seems the practice to generally fix a date. It is not known if this is not done in this case, if not why if required this has been omitted. The Chief Engineer may perhaps be asked to give his opinion

(9) As regards powers of the Commissioners in regard to tenders. The opinion of the above under (IV) explains the position

L and L Secy) 2/6/24

(10) There are two questions raised by the Municipal Commissioners viz. i whether the resolution brought forward to cancel or modify a previous resolution of the Council should be passed at a council meeting by not less than half the total number of Councillors or whether it is sufficient if half the number of councillors present at the meeting vote in favour of the resolution proposed in the notice containing the requisition or resolution to call for the meeting of the Council, ii whether the Municipal Commissioners has power to accept tenders after sanction of the Council was obtained under Sec 186 P. para 2.

NOTE—Contn sheet

U K S III. 21

General and Revenue Secretariat

File No. 12 of 1923

Serial No

11 Though the motion of proposition contained in the notice is signed by more than half of the councillors, it does not amount to a support of the resolution in the first place nor intention of bringing forward a resolution to pass as it does not amount to a cause the resolution for the member may change their opinion after full discussion of the resolution at the Council. It is the final opinion supporting the resolution that is meant when it is stated that ... the resolution supported by the half of Councillors ..

12 Secondly 'resolution' used in cl 12 means not a resolution to be brought by Council, for motion proposition is written last but one line, indicates that resolution is to be passed in the sense of final opinion of the Council.

13 Under this sense it is clear that more not less than majority of Councillors must support the resolution brought by the Council.

Hence the view taken by the municipal Councillors seems to be

NOTE—Contn sheet

I. R. S. III-21

General and Revenue Secretariat

Rl File No. 1640/12 of 1923

Serial No

14 In his view, the recommendation of the Council to the Government before the time of the Contract before which the latter should complete the work may be approved.

15 As to the second question, namely, that under Sec 186 (2) Reg IV of 1923, municipal commissioners have power to award tenders subject to the approval of the Council under Sec 186(4) cl(d).

Lo 322 10/6

1st Member

16 I agree with the Ld Secretary in his proposal

17 As regards his proposal, it seems that the Municipal Commissioners, in case which the amount of the Contract awarded by them exceeds the limit fixed by the Council does not approve his selection, they may look into the tenders. Can they just proceed to calling fresh tenders? The procedure adopted by the Municipal Commissioners may be ascertained

Passed by Mr Chamney as placed at the

ORE—Contin. sheet.

18 Recommend accordingly

6 14/6 8-1-21 6

(J. R. & I. III-2)

General and Revenue Secretariat | Bulk File No. | 12 of 1922

Serial No	
19	Draft is submitted for approval 23/6/24 JMC. to Hon 25/6
68	Memo no L 9770 dt 24/6/24 to the municipal commissioner, Bangalore and requests him to send up the entire records connected with the tenders for the construction of the shops on the near side of the new market
69	Petition dated 10th June 1924 from B N Channarayappa, Contractor Channapatna, Bangalore, praying for early orders in the matter, after taking into consideration the circumstances explained therein
21	Submitted. Papers called for in 82 68 and 69 23/6/24 JMC. awarded 26/6/24 22 & and Returned; 26/6
	22. Hon reminder if not received by the end of the month 26/6

NOTE—Contn. sheet

22 L 40

G R S III 2]

WD 2810—GPB—10 000—81 5 24

General and Revenue Secretariat | Fl File No 12 of 19 23

Serial No	
72	Letter No 224 of 23-24 dy 27.6.24 from the Kumk Comr, Chief Kumk Council, Bangalore. Forwarding the entire records connected with the tenders for the construction of Steps in question. 2) From the records received it is seen that the Kumk Comr has simply submitted the two tenders received by him for the selection and approval of the Kumk Council 3) In the present case the Kumk Council without accepting the only tender of M/s S Puttanna received in the first instance, gave direction to the Kumk Comr to call for fresh tenders. 4) The Govt for orders vide Ref 6 from 17th inst. 27.6.24 HK. 5) In both the cases the tenders Ms M & S, powers had been reserved to the Kumk Council to approve or reject tenders without assigning any reason therefor They Govt the Govt order in having rejected the first tender as I and II Secy 26 The procedure adopted by the Kumk Comr & Kumk Council is not

S

R 7

NOTE—Contn sheet

G R. S III-2]

General and Revenue Secretariat

File No 12 of 19 23

Serial No.

* ~~Forwarded by Law Secretary.~~

(1) The facts are shortly as follows -

Tenders for the Construction of row of shops in the site of new General Market fronting were called for on 2.2.1924

2 of the two Pattamars who has taken up the contract to build Market fronting Submitted his tender to Complete the work at the estimated rates.

His tender was placed before Municl Council by the Municl Commissioner for Consideration. But the Municl Council resolved on 17.3.1924 to Call for fresh tenders without giving any reason for non acceptance of the tender - (Flag T)

2 Accordingly fresh tenders were called for. Two persons by name Pattamar & one Chinnaraya Pillai, applied - Special Engineer recommended the acceptance of the Pattamar's tender & ~~Secretary~~ gave reasons for why the tender of the Chinnaraya Pillai should not be accepted (vide Flag P)

The Municl Commr placed these tenders before the Council without giving any opinion

NOTE—Contn sheet

12

General and Revenue Secretariat

File No (2 of 1925.

Serial No

2/ The hon'ble Council accepted the Chimanji Appa's tender on 12.4.1924 (Flag 8)

Two Pattamars applied on 13.4.1924 to the Council for a reconsideration of the decision to afford to take up the contract at the rates tendered by the Chimanji Appa

3/ The hon'ble Council passed a resolution cancelling their previous resolution of 12.4.1924 (Flag 9)

As this resolution was considered to be not proper (vide note above)

From these facts, it is clear that the hon'ble Commissioner has not exercised the powers vested in him under Section 186 (1) cl 2, but did not accept or reject the only tender of two Pattamars received in the first instance. He has only to submit the tender papers for approval or sanction of the Council

3/ Section 186 (1) (d) is clear it enacts that no contract involving an expenditure of exceeding 500 Rs. shall be made by hon'ble Commr except with the approval or sanction of hon'ble Council

NOTE—Contn sheet

General and Revenue Secretariat

File No 12 of 19 23

Serial No

Application 28 b (P) of 2 of letter to Municipal Commr with full powers to accept tenders subject to approval of Govt. He is the sole power to decide the matter. He cannot delegate this power to the Council. The Council has no double powers of supervision & interference over Municipal Commr's action & therefore sanction, but they have no power of accepting any tender. When they act in the matter, they have to assume the powers of the Commr. In the present case, the calling for fresh tenders & acceptance of the tender of the Chairman of the Council are irregular.

34 There is no reason assigned why the lowest tender was not accepted by the Commr. On the merits the opinion of the Tpl Engineer is entitled to some weight. When he Puttanna offered to take up the contract at the same rates as those offered by the Chairman of the Council, there was no valid reason to prefer the Chairman's tender

NOTE—Contn. sheet

G R S III 2]

General and Revenue Secretariat

927

4

Fl(File No (2 of 19 23

Serial No.

The [illegible] to point out to you that it is not competent to the Council to cancel the appointment of the Chairman of the Municipality & ask them to proceed on the footing in accordance with Law No 65 for the Municipal Commissioners to exercise his powers under Sec 127 of the Puttalam [illegible]

149
5-7-24

(1st Member) -

38 I would point out that Council has no power to cancel proceedings & ask the Municipal Commissioners to call for fresh tenders and submit their name & their person be selected for their approval & the Board.

Vide
5/7

34 Please submit to Hon'ble Member

35 Secretary

36 Kindly peruse my opinion dated 9/7 in the matter & let me know shortly for reply to Chairman.

DEWAN'S OFFICE
9 - JUL 1924
Reg. No 2

Note—Contn. sheet

[illegible] Chairman has only been suspended & has no legal right to do so in

G R S III-2,

General and Revenue Secretariat

File No. 12 of 1923-

Serial No.

356

1177

DEWAN'S OFFICE,
RECD ON 12 JUL 1924
Reg No 283

NOTE—Comm. sheet.

G R S III 2]

WD 2810—GPB—10 000—31 5 24

General and Revenue Secretariat | File No 12 of 19 25

Serial No

[illegible] Chairman / Members
[illegible] note on the
Case — [illegible]
[illegible] matter
[illegible] procedure
[illegible] may [illegible] be [illegible]
Dated 10.6.25
43 Govt [illegible]
Therefore [illegible]
the Secretariat
for (1) [illegible]
stating reasons in
the matter by 20th
(2) [illegible]
stating C. rule
[illegible]

1
13.6

8-4
14 7

Z

43 A petition [illegible] received on 16/4/25 from Mr S Puttanna, Contracto
of the Market building, ~~dated the 16th April 25~~
addressed to the Secretary, complaining against
the action of the Municipal Council ~~in providi~~ for accepting the tender of another contractor for carrying out the works

Serial No.

relating to the shops and verandahs propo
be attached in the rear of the building pu ci al
by him and praying that the contract of con ons
ing the latter may also be given to him and f
if the new work is given to a different perso
may be taken up only after his portion of the s-
work is completed. r

4 As the petition was addressed to the Secreta.
and as it did not then seem to involve any point
of delicacy or exceptional importance a report
was called for with a view to get full informa-
tion for the purpose of disposing of the matter
before the Government.

5 It is only after perusal of the Municipal
Commissioner's reply which was received on the
29th May 1924, it was seen that the subject --
matter of the petition involved questions of -
principle and procedure. As an interpretation of a
the provisions of the Municipal Law was found -
necessary, the file was submitted to the First
Member on the 7th June 1924 in the first instance --
and then to the Dewan on 12th July 1924.

Petition dated the 10th June 1924 was address-
ed to the Dewan by Channarayappa, the other - -
contractor and was received in the office on the
24th June 1924. The petition was placed in the
file and an abstract of it had been entered in
the notes at the time of resubmission of the file
with papers called for by the First Member. The
Dewan's order on the petition was not brought on
the notes and the omission will be enquired into

G R.S III 2]

WD 2310—GPE—10,000—31-5-24

General and Revenue Secretariat | File No. 12 of 19 23

Serial No

(7) It may also be submitted that the Municipal Commissioner himself has solicited instructions on the interpretation of certain provisions of the Municipal Regulation.

(8) The report was called for under the impression that the Secretary had power to do so under Item 74 in the list of cases to be disposed of by the Secretary appended to the Council Rules of Business and Procedure. If it is considered otherwise any instructions that may be issued will be ~~noted for future guidance.~~

NOTE—Contn. sheet.

G R. S III-2]

WD 2810—GPE—10,000—31 8-24

General and Revenue Secretariat	File No 12 of 1923

Serial No.

77 No L526 dt 23/7/24 To inform Bangalore City Mpl Observes that it is not right to seek instructions of Govt in matters of procedure and must be shown on the other hand Consult the Dist counsel, the Prosecut and legal advisers of the Council in Such matters

Draft ack to the Petitioners are Sent for a/p pl

24 JMK 29/7/24

I don't think this is necessary The Dist will deal with the matter If any reply is wanted by the petitioners Then an endorsement may perhaps be given.

22 Aug) 29/7.

Yes 30/7

B

NOTE—Contn sheet

Pattina Boy 17.4.24

To

Rajamanthra Nhurina
A.R.BANERJI, ESQ., M.A., C.S.I. C.I.E.,
Dewan of Mysore,
Bangalore.

17.4.24

GENERAL & REVENUE SECRETARIAT
L6977
24 APR 1924
LOCAL SELF GOVT BRANCH

Respected Sir,

I most respectfully beg to bring the following few lines for your kind and sympathetic consideration and favourable orders.

I beg to state that I have taken up the contract for Market Frontage work. While this was in progress, it was proposed that rear shops and verandahs should be attached to this work. Obviously, that idea became ripe This being an addition to my work, I fully expected that would be given to me as is usual in all such cases. In anticipation of getting the work, I have been collecting materials etc., but to my disappointment, I found that tenders were called for in February 1924. But no contractors except myself came forward. This is easily explained since a professional man with any experience of the building work would hesitate in such cases to undertake in view of the difficulties and inconveniences of two contractors attending simultaneously to different parts of the same work. Under these circumstances the Municipality ought to have granted the work to me

But the Municipality seem to have lost sight of this aspect of the case and have invited tenders for a second time as there was not sufficient response to their first notice.

Again, there has been no competition except to the fact that a rival tenderer seems to have been set up this time only to prejudice my interests. I hear his offer has been accepted, his rates being somewhat lower than mine. Evidently my claim for the new work or the recommendation of the Special Engineer who has been supervising my work, seems to have received very little consideration at the time of the disposal of the tenders

It is also learnt that the subject was taken up at a late hour when some of the Municipal Councillors had retired from the meeting held on 13th April 1924 and acted hurriedly

I am not very anxious to trouble your honour with further facts, but I may be permitted to enumerate briefly the difficulties which both of us may experience. The rear shops to be built and the front shops I have been putting up have a common central wall which has fallen to my lot. This central wall is still incomplete. There is my scaffold running all the length of this wall and there are also all sorts of materials which cannot be removed till my portion of the work is finished. There will be several causes for friction between myself and the new comer.

To avoid unpleasantness and the loss that may be sustained by me, I pray

1. that the rear shops may be taken up only after my portion of the work is completed,

or

2. that if both of the items have to be done at one and the same time, the rear shops also will have to be given to me since it is not possible for my rival to begin his portion of work till I have completed all work connected with the common central wall.

The adoption of this course would not entail any loss to the Municipality since I have agreed to undertake the work for estimate rates. If the Municipality should consider this on the score that another man has offered lower rates, I am prepared to accept, though unwillingly, the lower rates offered by the rival tenderer in the interests of the peaceful progress of the work.

Under these circumstances, I most humbly pray that you will be pleased to call for the records and do justice.

I beg to remain,
Respected Sir,
Your most obedient servant,

S. M. Singh

Contractor.

City Vegetable Market,
Bangalore, 16-4-24.

3?336

No. 200 L-

Exc (2)

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, Dated, 26th MAY 1924.

28

12-23-6

From

M G KRISHNASAMI RAO, Esq. B.A.,

MUNICIPAL COMMISSIONER, MUNICIPAL COUNCIL,

BANGALORE CITY

To

K. V. Anantaraman, Esq., B.A.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue and Legislative Departments,
B a n g a l o r e.

Sir,

With reference to your Official Memorandum No. 6649/M1 12-23-58 dated 26-4-1924 forwarding for report a petition from Mr.S.Puttanna, Contractor, Bangalore City, praying that the contract for the work relating to the shops and verandah proposed to be attached to the rear of the market frontage may also be given to him, I have the honor to state that a notice calling for tenders for the construction of these shops was published in the Mysore Gazette In response to this notice only one tender and that from Mr.S.Puttanna was received and was placed before the Council for consideration at the meeting dated 17-3-1924 The Council resolved that fresh tenders --- might be called for by publishing the notice in any of the --- local newspapers. Notices were again issued calling for --- fresh tenders in the Daily Post. This time, another contractor, Mr.B.N.Channarayappa also tendered for the work and these two tenders were placed before the Council for consideration at the meeting held on the 12th April 1924. Mr Channarayappa's tender for Rs.27,769-15-7 being lower than Mr S. --- Puttanna's by Rs 3000/- was accepted by the Council Before action could be taken on this resolution of the Council, ---- notice of a requisition signed by 17 Councillors was given on 19-4-1924 proposing the cancellation of the resolution dated 12-4-1924 approving the tender of Mr Channarayappa for the construction

construction of the shops and to give it to Mr.S.Puttanna, to whom construction of the market frontage had already been entrusted, at the rates tendered by the former and accepted by the Council on 12-4-1924. This requisition was included in the agenda of the Council meeting dated 10th May 1924 and discussed at two meetings of the Council held on the 10th and 12th May 1924. Copies of the proceedings of these two meetings relating to the matter are enclosed for kind perusal. It will be seen from these proceedings that 9 Councillors supported and voted "for" the resolution and 7 voted "against" it, 3 remaining neutral.

2. The question now for consideration is, whether the original resolution of the Council dated 12th April 1924 approving the tender of Mr.Channarayappa can be considered to have been cancelled or modified by the subsequent proceedings dated 12th May 1924. Kind reference is invited to Clause 12 of Section 26 of the Municipal Regulation, as the effect of the proceedings dated 12th May 1924 depends on the interpretation of that clause. One view is--it seems, at any rate, to me to be the correct one--that in order that the subsequent resolution may have the effect of cancelling the previous resolution of the Council, the subsequent resolution in addition to satisfying certain other conditions, must have been supported and passed by not less than one-half of the whole number of Councillors. If this view is accepted, at least 15 Councillors--the strength of the Council being 30--must have supported and voted for the subsequent resolution. But in this instance, only 9 Councillors have supported and voted for the proposition. Another view seems to be that all that Clause (12) contemplates is that notice of a subsequent resolution to annul a previous resolution passed within 3 months, must be supported by not less than one-half of the total number of Councillors, that it need not necessarily be passed by that number at a general meeting and that it is enough if the resolution is passed by a majority of the Councillors present and voting. If this view is accepted, then the second or subsequent resolution dated 12-5-1924 has the effect of cancelling the

previous

previous resolution of the 12th April 1924. I do not think that the Municipal Regulation intends it If it really did, there was absolutely no need to fix a minimum number of Councillors for proposing any modification or cancellation of previous resolutions. This safeguard seems to have been purposely inserted with a view to prevent capricious changes of policy and to secure continuity Should Government be pleased to --- hold the first view as correct, the Municipal Council's resolution ---- accepting Mr.Channarayappa's tender has to be given effect to.

3 With regard to Mr.Puttanna's petition to Government--of the two courses suggested by him in the alternative-- the second does not seem to be feasible in the light of the observations made by Government in --- their Order No.L.3725-6/Ml.91-22-4dated 20th Nov.1922 As regards the first, there is some force in his contention and there can be no objection to take up the construction of rear shops after his (Mr.Puttanna's) portion of the work is completed. If this prayer of his is granted, I beg to suggest that the Chief Engineer may be requested to fix after ---- personal inspection of the place a period by which Mr.Puttanna should -- complete his work.

4 In this connection, may I know if I am right in understanding that the acceptance of tenders rests with me, when once an estimate for a work involving an expenditure exceeding Rs 500/- has been sanctioned by the Municipal Council? I have raised this question since Clause 2 of Section 186 2 of the Municipal Regulation does not appear to me to be -- free from ambiguity.

I have the honor to be,
Sir,
Your most obedient servant,
M. G. Krishnaswami Naidu
Municipal Commissioner.

Forwarded with compliments.

President,
City Municipal Council,
Bangalore.

D N.R.

No.33.

PROCEEDINGS OF THE ORDINARY GENERAL MEETING OF THE CITY MUNCIPAL COUNCIL, BANGALORE, HELD ON SATURDAY THE 10TH MAY 1924 AT 8.A.M. IN THE COUNCIL CHAMBER.

------- oOo -------

P R E S E N T.

1 B. K. Garudachar, Esq., Honorary President.

COUNCILLORS.

1. Mr. C.V. Narasimha Iyengar, B.A., B.L.,
2. " Chinnaswami Chetty,
3. " W.H. Hanumanthappa,
4. " L. Ramachandra Rao Sindia,
5. " Myakala Lallayya,
6. " B.V. Ramaswami Chetty, B.A.,
7. " S. Venkatachela Iyengar, B.A., B.L.,
8. " S. Venkatarama Iyer, B.A.,
9. " C nayuvadana Rao, B.A., B.L.,
10. Mr H.V Chandrasekharaiya, B.A ,LL B.
11. " M. Raghavendra Rao,
12 " J R. Isaac, B.A., M.B.E.,
13. " P. Murugesam Pillai,
14. " M. Abbas Khan,
15 " B. Abdur Rahmon, B.A.,
16 " S Venkataranga Iyengar,
17. " J. E. Narasinga Rao,
18. " V S. Thiruvengadaswami Mudaliar,
19. Mr. G. Muniappa

A B S E N T.

1. Mr. B.V. Krishniengar (Hon. Vice-President)
2. " P. M. Basappa,
3. " G. Siddaveerappa,
4. " D. Adeppa,
5. " T Munisamappa,
6. Mr. R Gopalaswamy Iyer,
7. " H. Krisnnappa, B.A.,
8. " P Subbarama Chetty,
9. Rao Sahib Mr. H. Chennayia,
10. Rev. W.h. Thorp, B.A.,

------- oOo -------

X X X

Subject No.10 - Letter dated 17-4-1924 from Mr R Gopalaswamy Iyer and 10 other Councillors proposing to move the following proposition -

"That the resolution of the Municipal Council passed at its --- meeting on 14th April 1924 approving the tender of Mr Chennarayappa for the construction of the shops to the rear of the market frontage be cancelled and that the contract for the construction of the above said shops be given to Mr S Puttanna, to whom the construction of the market frontage has already been entrusted, at the rates offered by Mr Chamaarayappa, and accepted by the Council."

Resolution - Mr Mohamed Abbas Khan formally proposed the proposition which was ~~Remarkx~~ seconded by Mr W.H Hanumanthappa The subject was fully discussed and when it was nearly 11 30 A M, there was a proposal to adjourn the meeting The motion for adjournment was put to vote, but it was lost as 3 voted for the adjournment and 9 against it

Further discussion of the subject continued After a good deal of discussion, it was suggested by some of the Councillors present that for a correct understanding of the situation, an inspection of the locality would be very desirable This suggestion was accepted and the President informed the Councrliors present that at 5 A M on Sunday the 11th May 1924, they might visit the locality and the subject discussed further at the next --- meeting

The meeting was then adjourned to Monday the 12th May 1924 at 5 P M

Sd/ B K Garudachar,
Honorary President.

"C O P Y"

Municipal Commissioner,
City Municipal Council,
Bangalore

D M.R.

Agenda.

Proceedings of the Adjourned General Meeting of the City Municipal Council, held on Monday the 16th May 1924 at 10 a.m. in the Council Chamber.

PRESENT.

1. The Hon. Rao Bahadur M. Govindarajulu Naidu, Honorary President.

COUNCILLORS.

1. Mr. C. Venkatasubba Rao,
2. " P. Chinnaswami Chetty,
3. " Muthukrishnamurthi Raju,
4. " P. Ramachandra Rao Pandia,
5. " D. Adeppa,
6. " Pattabhiramappa,
7. " S. Venkatachala Iyengar, B.A., B.L.,
8. " C. Jayavadana Rao, B.A., L.L.,
9. " M. Krishnappa, B.A.,
10. " B. Nagavendra Rao,
11. " M. Abbas Khan,
12. " B. Abdur Rahman, B.A.,
13. " V.S. Thiruvengadaswami Mudaliar,
14. " G. Munappa,
15. " Lyakala Malleyya,
16. " J.E. Narasinga Rao,
17. " G. Siddaveerappa,
18. " B.V. Ramaswami Chetty, M.A.,

ABSENT.

1. Mr. B.V. Krishnamachari, (Hon. Vice-President,
2. " Doddappa,
3. " M. Gopalaswami Iyer,
4. " S. Venkataramana Iyer, B.A.,
5. " M.V. Chandrasekharayya, M.A., L.L.,
6. Mr. P. Subbaramachetty,
7. Rao Sahib Mr. M. Chennayya,
8. Mr. J. Moses, B.A., M.L.,
9. " P. Murugesam Pillai,
10. " S. Venkataranga Iyengar,
11. Rev. Wm. Thorp, B.A.,

****

Subject No. 10 - Letter dated 17-4-1924 from Mr. M. Gopalaswami Iyer and 16 other Councillors proposing to move the following proposition -

"That the resolution of the Municipal Council passed at its meeting on 12th April 1924 approving the tender of Mr. Chennarayappa for the construction of the shops to the West of the Market frontage be cancelled and that the contract for the construction of the above said shops be given to Mr. Muttanna, to whom the construction of the market frontage has already been entrusted at the rates offered by Mr. Chennarayappa, and accepted by the Council."

The President observing that the Councillors might have inspected the locality invited discussion.

Resolution - The subject was again discussed by the Councillors present and when the proposition was put to vote, 9 Councillors voted for the proposition and 7 against it.

Messrs. C. Jayavadana Rao and P. Ramachandra Rao Pandia demanded a poll.

The following gentlemen voted "for" the proposition -
1) M. Abbas Khan, 2) Mr. V. Ramaswami Chetty, 3) Mr. M. Krishnappa, 4) Mr. Pattabhiramappa, 5) Mr. G. Siddaveeraiya, 6) Mr. Muthukrishnamurthi Raju, 7) Mr. B. Abdur Rahman, 8) Mr. D. Adeppa and 9) Mr. V. Thiruvengadaswami Mudaliar.

The following gentlemen voted "against" the proposition -
1) Mr. C. Jayavadana Rao, 2) Mr. V. Venkatasubba Iyengar, 3) Mr. P. Ramachandra Rao Pandia, 4) P. Chinnaswami Chetty, 5) Mr. D. Adeppa, and 7) Mr. Venkatachala Iyengar.

Which after the voting, the President declared that the resolution was lost, since not less than one-half of the whole number of Councillors had not voted for it (Vide Sl. 12 of Sec. 26 of the Municipal Regulation), the Councillors that voted for the resolution remarked that that point need not be noted.

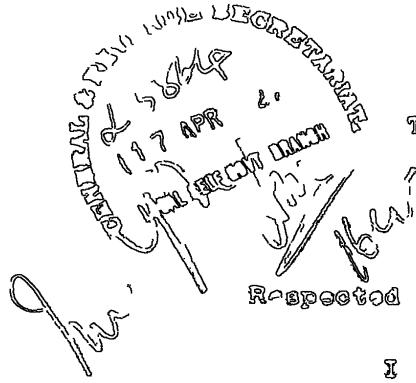
The meeting was adjourned to Saturday the 17th May 1924 at 10 a.m. for the consideration of the remaining subjects.

Sd/- B.M. Garudachar,
Honorary President.

"COPY"

Municipal Commissioner,
City Municipal Council,
Bangalore.

No. R.



Ref 12-23-53

To

The Secretary to the Government of
His Highness the Maharaja of Mysore
Local & Legislative Dept.,
Bangalore.

Respected Sir,

I most respectfully beg to bring the following few lines for your kind and sympathetic consideration and favourable orders.

I beg to state that I have taken up the contract for Market Frontage work. While this was in progress, it was proposed that rear shops and verandahs should be attached to this work. Obviously, that idea became ripe This being an addition to my work, I fully expected that would be given to me as is usual in all such cases. In anticipation of getting the work, I have been collecting materials etc., but to my disappointment, I found that tenders were called for in February 1924. But no contractors except myself came forward. This is easily explained since a professional man with any experience of the building work would hesitate in such cases to undertake in view of the difficulties and inconveniences of two contractors attending simultaneously to different parts of the same work. Under these circumstances the Municipality ought to have granted the work to me

But the Municipality seem to have lost sight of this aspect of the case and have invited tenders for a second time as there was not sufficient reasons to their first notice

Again, there has been no competition except to the fact that a rival tenderer seems to have been set up this time only to prejudice my interests. I hear his offer has been accepted; his rates being somewhat lower than mine. Evidently my claim for the new work on the recommendation of the Special Engineer who had been supervising my work, seems to have received very little consideration at the time of the disposal of the tenders

It is also learnt that the subject was taken up at a late hour when some of the Municipal Councillors had retired from the meeting held on 12th April 1924 ~~and passed~~ humbly

I am not very anxious to ~~secure the contract~~ humbly pray your honour with further facts, but I may be permitted to enumerate briefly the difficulties which both of us may experience. The rear shops to be built and the front shops I have been putting up have a common central wall which has fallen to my lot. This central wall is still incomplete. There is my scaffold running all the length of this wall and there are also all sorts of materials which cannot be removed till my portion of the work is finished. There will be several causes for friction between myself and the new comer.

To avoid unpleasantness, and the low that may be exclaimed by me I pray

1. that the rear shops may be taken up only after my portion of the work is completed,

or

2. that if both or the items have to be done at pro and the same time, the rear shops also will have to be given to me since it is not possible for my rival to begin his portion of work till I have completed all work connected with the common central wall.

The adoption of this course would not entail any loss to the Municipality since I have agreed to undertake the work for moderate rates. If the Municipality should ~~grudge~~ Consider this on the score that another man has offered lower rates, I am prepared to accept, though unwillingly, the lower rates offered by the rival tenderer in the interests of the peaceful progress of the work.

Under these circumstances, I most humbly pray that you will be pleased to call for the records and do justice

I beg to remain,
Respected Sir,
Your most obedient servant

Contractor

City Vegetable Market,
Bangalore, 16-4-24.

To

Lushir-ul-mulk

Mir Hamza Husein, Esq , B.A., B.L.,

First Member of Council

MYSORE

Sir,

I most humbly beg to submit Hereby that the Municipal Council, Bangalore City invited tenders for the Construction of a row of shops behind the frontage of the new Market in the Bangalore City on the 7th April 1924. In response I submitted my tender.

I herein enclosed copy of order No. 1020 dated 16th April 24 from the special Engineer City Improvement works Bangalore accepting my tender, and as desired by him I signed the specification for the work, and appeared before the Municipal Commissioner to sign the bond who informed me that the matter has been referred to Government for orders which I should await.

It is ascertained that a representation by the frontage contractor of the City Market Mr. puttanna has been made offering to undertake the construction of the rear shops, for the alleged reason that there would be dispute between him and me when I begin work. Here I request you to get the Frontage Contract bond from the Municipality and see how much time he has got still. Apparently there is no force in his contention in so far as the Municipal Council had excercised its right and called tenders and accepted mine as beeing the lowest by about Rs. 3,000/- But the present attitude of the Municipality in delaying matters has put me to considerable loss as owing to lack of accommodation to stack materials, I have lost all the advance I have made to workmen and others which should be considered.

I pray that you may be pleased to do justice in the matter.

P T.O

Copy of orders hearin on the subject as also my representation are herewith submitted.

I beg to remain.

Sir,

Your most obedient servant,

Contractor

107, 2nd Main Road,

Chamaraja pet,

Bangalore City.

18th June 1924,

M y s o r e.

No. 1070.

City Improvement Works, Bangalore,
Dated 16th April 1924.

BILL OR RECEIPT OF OTHER TAXES.

Municipality of Bangalore City.

No. 29

Book No... .... .

The undermentioned amount has this day been received from

Address Mr. B.N Channarayappa, Contractor Bangalore

on behalf of the Municipality.

particulars of payment	Amount		
1	2		
	Rs	a.	p
Tender Deposit for the construction of a row of shops in the rear of Market Frontage block.	1,000	0	0
Total ..	1,000	0	0

Rupees one Thousand only

Date of payment 7th April 1924.

Signature of tax collector if receipt is for a tax.

Sd/- M.G. Krishnaswami Rao,

Signature of Commissioner.

(True Copy.)

(True Copy)

To

The Municipal Commissioner

City Municipality,

BANGALORE.

Petition of B.N. Channarayappa, Contractor of shops behind the New Market, Front Block, Bangalore City

The petitioner invited kind attention to his petition dated 26-4-24, and begs to state that he has purchased good lot of materials required for the work and as these have to be carried to the work site before the rains set in, requests that orders may kindly be issued to the special Engineer to have the ground adjoining the rear portion of the west block of the Market Front Block which is completed, cleared and placed at the petitioner's disposal immediately and the fact intimated to him to enable him to stock the materials

He further requests that his signature may be obtained without delay in the contract bond which has been drawn up long ago.

He begs to add that if prompt action is not taken in this matter he will be put to a heavy loss.

Bangalore City,
23-5-24.

Sd/- B.N. Channarayappa.
Contractor

(True Copy)

No: 1824/30-5-24

OFFICE OF THE CITY MUNICIPAL COUNCIL,
Bangalore City, dated 28th May 1924.

ENDORSEMENT.

Referring to his petition dated 27-5-1924 regarding the contract of shops behind the market frontage, Mr. B.N Channarayappa, Contractor is informed that orders of Government must be awaited.

D.N.R.

Sd/-. M.G. Krishnaswami Rao,
Municipal Commissioner

Address.

B.N. Channarayappa,
Contractor, Behind the new Market,
Front Block,
Bangalore City.

(True Copy.)

G R. S. VI—G/92]

257

SUBJECT .

Diary No of letter replied to by

Section

File No 12-23

Serial No 68

and Revenue Secretariat

(2 S 29)

the 199

No L 9770

Date of issue 26th June 29

To

The Municipal Commissioner
Bangalore city and Council
Bangalore

Signed by H.T.C.S

Sir With refee to your letter No 200 of 23-24 dt the 26th May 1924, I am directed to request you to be so good as to forward the entire records connected with the tenders for the construction of the shops and Verandah proposed to be attached to the rear of the market frontage for the information of Government

A very early reply is requested over

I have etc

W. Secy to Govt
L & Rev Dept

WD 0888 GPB—1500C—16 6 3

List of enclosures

Copied by

Examined by

B N Channarayappa
TRACTOR
COMMISSION AGENT
107 2nd Main Road
CHAMARAJAPET
Bangalore City

Bangalore City 10-6- 19

To

The Dewan of Mysore.
Bangalore.

Sir,

I most humbly beg to submit hereby that the Municipal Council, Bangalore City invited tenders for the construction of a row of shops behind the frontage of the New Market in the Bangalore City on the 7th April 1924. In response I submitted my tender. I got an endorsement No.1020 dated 16- 4-24 from the Special Engineer City Improvement Works Bangalore that the Municipal Council had accepted my tender and that I should go to his office on 19-4-24 to go through the draft contract bond I accordingly went to his office and signed before him the specification for the work. I was then given Endorsement No 1049 dated 22-4-24 by that officer that the bond had been sent to the Municipal Commissioner for being signed before him I went to the Municipal Commissioner several times to sign the bond but my signature was not taken nor the cause of delay intimated to me As I had made advances to the extent of Rs.5000/- to workmen I represented to the Municipal President by my petition dated 26-4-24 and to the Municipal Commissioner by petition dated 23-5-24 that I would suffer heavy loss if the site for the storage of materials were not at once

put

put in my possession In reply I have received Endorsement No. 1824 dated 30-5-24 from the Municipal Commissioner Informing me that the matter has been referred to Government for orders and that I should await orders.

It is ascertained that action in this matter is delayed on account of the representation of the contractor of the front block (who had also submitted his tender along with me but whose tender had not been accepted as it was higher than mine by about Rs.3000/-) that this work should also be given to him for the alleged reason that there would be dispute between him and me if I begin to work. Apparently there is no force in this contention in so far as the Municipal Council had exercised its right and called for tenders and accepted mine as being the lowest But the present attitude of the Municipality in delaying matters has put me to considerable loss as owing to lack of accommodation to stack materials I have lost all the advance I have made to workmen and others and the Municipal Council will have to be liable to make good this amount to me. Any further delay in the matter will mean more loss to me I have brought all this to their notice and I also beg to bring this to the notice of Government befor they pass final orders in the matter as the case is stated to be before them.

I beg that you may be pleased to do justice in the matter after personally perusing the records of the case.

I beg to remain,

Sir,

Your most obedient servant,

M Chanmugam

G R S III—8]

ROUTINE NOTES

[To be used only for notes, requisitions, etc, not intended for permanent record]

No 224 of 23-24

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, Dated, 27th JUNE 1924.

From

M. G. KRISHNASAMI RAO, Esq, B.A.,

MUNICIPAL COMMISSIONER, MUNICIPAL COUNCIL

BANGALORE CITY

GENERAL & REVENUE DEPARTMENT

1-1 JUL 24.

To

B. Nagappa, Esq, Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local and Legislative Departments,
Bangalore

Sir,

As requested in your letter No.L.9770 dated 24th June 1924, I have the honor to forward herewith the entire records connected with the tenders for the construction of the shops and verandah proposed to be attached to the rear of the ---- market frontage

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

Forwarded with compliments

President,
City Municipal Council,
Bangalore.

D.N.R.

N B Shouldroutine notes be written on small slips the notes must b cpoed, or slips pasted on this form

G R. S III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc. not intended for permanent record]

N B —Should routine notes be written on small sl ps [illegible] the notes must be cipoed, or slips pasted on this form

G R S. VI—G/32

lii

SUBJECT

Diary No of letter replied to 22/6

Section RL
File No 12-23
Serial No 77

No d S-26/en records

General and Revenue Secretariat
(L-5 C)
the 192

Date of issue 23rd July 24

Signed by Mr TLS-

To

The Hon'ble Court,
City Municipal Council,
Thro' the President, City Municipal
Council, Bangalore

Sir,

With ref to the Correspond-
ence ending with your letter No
224 of 23-24 of the 27th June 1924
regarding the tenders for the
Construction of the Shops and
verandah proposed to be
attached to the rear of the
frontage of the New General
Market, I am directed to observe
over

that question but must be working
instructions of Govt in matters of
procedure and that they should,
here on the spot, consult
the Rural Council, and the Presi-
dent and the Rural Legal
advisers in such matters.

I am to state that this
is a matter to be decided by the
Rural Council and that Govt cannot
therefore interfere in the matter.

The papers received with
your letter under reply are herewith
returned.

I have &c

for S. & E. Secy.

19.7.44

List of enclosures

Copied by

Examined by